

Message Text

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FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 7872

UNCLAS SANTO DOMINGO 3833

E.O. 11652: N/A

TAGS: CVIS, DR

SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION 101(B)(1)(B)

REF: STATE 188437

THE FOLLOWING INFORMATION IS PROVIDED IN RESPONSE TO THE
DEPARTMENT'S REFTEL:

1. THE EMBASSY ESTIMATES ADJUDICATING APPROXIMATELY 60 STEPCCHILD/
STEPPARENT RELATIONSHIPS PER YEAR. IN ADDITION, PERHAPS 120 CASES
ARE REVIEWED PER YEAR OF CHILDREN WHOSE NATURAL FATHERS ARE CLAIMING
THEM AS EXEMPT FROM THE PROVISIONS OF 212(A)(14) BASED ON TENDER
AGE. THE EMBASSY ESTIMATES THAT 50 PERCENT OF THESE CASES ARE
ACCEPTED FOR PROCESSING, THE REMAINDER BEING REJECTED FOR ONE OF
THE FOLLOWING REASONS:

1) CHILD OVER AGE AT TIME OF APPLICATION OVER 18 WHEN STEPCCHILD/
STEPPARENT RELATIONSHIP ESTABLISHED, OR OVER 16 WHEN APPLICATION IS
MADE FOR EXEMPTION), 2) INABILITY TO ESTABLISH A SUSTAINED
FAMILIAL RELATIONSHIP BETWEEN PETITIONER AND BENEFICIARY AND 3)
LACK PROOF OF CLAIMED RELATIONSHIP BETWEEN PETITIONER AND BENE-
FICIARY.

2. THE DOCUMENTATION REQUESTED IN SUCH CASES ARE: 1) CHILD'S
BIRTH CERTIFICATE, 2) MARRIAGE CERTIFICATE OF STEPMOTHER AND NATURAL
FATHER, 3) AFFIDAVIT OF SUPPORT AND EVIDENCE OF SOLVENCY FROM
PETITIONER, 4) A STATEMENT AND SUPPORTING DOCUMENTATION CONCERNING
THE FAMILIAL RELATIONSHIP BETWEEN THE PETITIONER AND BENEFICIARY.
THIS STATEMENT (IN THE FORM OF A QUESTIONNAIRE) INCLUDES
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INFORMATION REGARDING THE PRESENT LIVING SITUATION OF THE CHILD, THE

AMOUNT OF MONEY THE NATURAL FATHER PROVIDES FOR THE UPKEEP OF THE CHILD AND THE DURATION OF HIS CONTRIBUTIONS, THE LENGTH OF TIME THE PETITIONER AND BENEFICIARY HAVE LIVED TOGETHER AS A FAMILY UNIT, AND WHETHER OR NOT THE BENEFICIARY IS KNOWN AS HIS PURPORTED FATHER'S NATURAL CHILD. THE EMBASSY ALSO REQUIRES THAT THE CHILD BE RECOGNIZED IN A TIMELY FASHION BY HIS PURPORTED NATURAL FATHER.

3. IT IS IMPOSSIBLE TO ESTIMATE ON A NUMERICAL BASIS THE PERCENTAGE OF FRAUD INVOLVED IN SUCH CASES ALTHOUGH THE POTENTIAL FOR FRAUDULENT ACTIVITY IS CERTAINLY VERY HIGH. IN ADJUDICATING SUCH CASES, CONSULAR OFFICERS MUST BE COMPLETELY SATISFIED THAT THE RELATIONSHIP IS BONA FIDE BEFORE REGISTERING THE BENEFICIARY. CASES IN WHICH THE BENEFICIARY HAS BEEN RECENTLY RECOGNIZED OR WHERE OTHER FACTORS OF DOUBT ARE PRESENT ARE NORMALLY DENIED REGISTRATION.

4. IN THE DOMINICAN REPUBLIC, CHILDREN CAN BE RECOGNIZED BY THEIR NATURAL FATHER BASED ON HIS OWN STATEMENT BEFORE A CIVIL REGISTRAR AT THE TIME OF THE CHILD'S BIRTH OR SUBSEQUENTLY. THERE IS NO UPPER AGE LIMIT FOR RECOGNITION--THE REPORTING OFFICER HAS SEEN CASES WHERE THE "CHILD" WAS RECOGNIZED WHEN HE/SHE WAS IN HIS THIRTIES. RECOGNITION CAN ALSO BE ACCOMPLISHED JUDICIALLY. IN THE EVENT OF DEATH OR DISABILITY OF THE NATURAL FATHER, RECOGNITION CAN BE MADE BY THE PATERNAL GRANDFATHER OR, IN HIS ABSENCE, BY THE PATERNAL GRANDMOTHER.

5. IN THE OPINION OF THIS EMBASSY, WITH ITS HIGH INCIDENCE OF FRAUDULENT ACTIVITY, THE GRANTING OF IMMIGRATION BENEFITS TO NATURAL CHILDREN WOULD BE DISASTROUS TO OUR EFFORTS TO CONTAIN FRAUD. IN THE FIRST PLACE, A LARGE THOUGH UNKNOWN PERCENTAGE OF DOMINICAN CHILDREN ARE ILLEGITIMATE AT BIRTH. SECONDLY, THE CASE WITH WHICH RECOGNITION CAN BE AFFECTED IN THIS COUNTRY WOULD BE AN OPEN INVITATION TO ENGAGE IN FRAUD BY ANYONE KNOWING AN ILLEGITIMATE CHILD, WHETHER OR NOT HE/SHE HAS ALREADY BEEN RECOGNIZED BY THE ACTUAL FATHER. ASSUMING THAT THE PROPOSED BENEFITS WOULD FLOW IN BOTH DIRECTIONS, IT IS EASY TO VISUALIZE AN ILLEGITIMATE CHILD WITH U.S. RESIDENCY CLAIMING ANY NUMBER OF PURPORTED FATHERS, SIMPLY BY HAVING HIMSELF RECOGNIZED BY THEM IN TURN. THE EMBASSY CAN CONCEIVE OF NO SECURE MEANS OF ESTABLISHING TRUE PATERNITY, SHORT OF CONDUCTING A TIME CONSUMING AND THEREFORE COSTLY

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INVESTIGATION OF EACH SUCH CASE. THIS PROCEDURE WOULD BE CLEARLY BE BEYOND THE RESOURCES OF OUR PRESENT INVESTIGATION UNIT. IN OUR OPINION, THE PROPOSED CHANGE IN LEGISLATION WOULD OPEN UP A LOOPHOLE IN THE IMMIGRATION LAW AND ENCOURAGE FRAUD TO EVEN A GREATER EXTENT THAN THE PRESENT PROVISION FOR EXEMPTING THE WESTERN HEMISPHERE PARENTS OF U.S. BORN CHILDREN.

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